

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD COLLIER, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Civil Action No. 12-339
v.	)	
	)	Judge Cathy Bissoon
PROGRESSIVE INSURANCE	)	
COMPANY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER OF REMAND**

For the reasons that follow, this case will be remanded to the Court of Common Pleas of Westmoreland County, Pennsylvania.

Defendants Progressive Insurance Company and Homesite Insurance Group have removed this action based on diversity of citizenship. *See* Notice of Removal (Doc. 1) at ¶ 9. Although the Notice of Removal is silent regarding the citizenship of a third Defendant, Zona Construction and Remodeling, Inc. (“Zona”), the Complaint indicates that Zona, like Plaintiffs, resides in Pennsylvania. *See* Compl. (attached to Doc. 1) at ¶ 4; *see also* Pennsylvania Dept. of State’s entry for Zona (attached as Appendix A) (identifying Zona as domestic business corporation with registered office address in North Huntingdon, Pa.).<sup>1</sup>

The Court owes an obligation to address issues of subject matter jurisdiction *sua sponte*. Williams v. Braden Drilling, LLC, 2011 WL 6888807, \*1 (M.D. Pa. Dec. 30, 2011) (citation omitted). For diversity jurisdiction to exist, there must be complete diversity, meaning that each defendant must be a citizen of a different state from each plaintiff. *Id.* (citation omitted).

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<sup>1</sup> The Court takes judicial notice of the public records available through the Pennsylvania Department of State. *See Anspach v. City of Phila. Dept. of Public Health*, 503 F.3d 256, 273 n.11 (3d Cir. 2007) (citation omitted).

Given that Plaintiffs and Defendant Zona are citizens of Pennsylvania, removal was improper. Accordingly, this case is **REMANDED FORTHWITH** to the Court of Common Pleas of Westmoreland County, Pennsylvania.

IT IS SO ORDERED.

March 27, 2012

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record